

## **REMARKS**

This communication is responsive to the Office action dated June 21, 2006. Claims 1-17 and 23-55 are pending in the application. In the Office action, the Examiner restricted the above-identified patent application, requesting election of a single group of claims for prosecution under 35 U.S.C. § 121 and election of a single species from each of reactive groups and carriers.

In response, applicants have (1) elected Group III, claims 32-34, 36-38, and 52-55, (2) added new claims 56-65, which are directed to further aspects of the invention of Group III, (3) canceled claims 1-31, 35, and 49-51, without prejudice, (4) elected the species of an NHS ester as a reactive group, and (5) elected the species of proteins as a carrier.

### ***I. Restriction Requirement***

The Examiner required election of one of the following four groups of claims for prosecution:

- Group I:      Claims 1-17, 23-25, and 35, drawn to a composition of matter;
- Group II:     Claims 26-31, drawn to a method;
- Group III:    Claims 32-34, 36-48, and 52-55; drawn to a composition of matter; and
- Group IV     Claims 49-51, drawn to a method.

In response, applicants elect, without traverse, the invention of Group III (corresponding to claims 32-34, 36-48, and 52-55) for prosecution in the present application. Applicants have canceled the claims of Groups I, II, and IV (corresponding to claims 1-31, 35, and

49-51), without prejudice, reserving their right to pursue these claims later, in original or amended form.

Applicants understand that upon the allowance of claims directed to the elected invention, they are entitled to rejoinder or the addition of claims to a nonelected invention that depends from or otherwise requires all the limitations of an allowable claim.

## **II. Election Requirement**

The Examiner also required election of a species for each of the following:

- A. Reactive groups
- B. Carriers

and a list of claims in the elected group that cover or read on the elected species. In response, applicants elect, without traverse, a reactive group that is an NHS (succinimidyl) ester, and a carrier that is a protein, for the purposes of initiating a search and examination.

Applicants believe that the recited subject matter of each of the pending claims reads on the elected species.

## **III. Amendments to the Claims**

Applicants take this opportunity to amend the claims to more particularly define the claimed subject matter.

Claim 32 is amended to more clearly recite the claimed compositions. Support for the amendment is found generally in the specification, in claim 32 as originally filed; more particularly at page 10, line 7 to page 11, line 4; at page 28, lines 6-10; at Example 3; at Example 14; and in the claims as originally filed.

Claim 34 is amended to correct a typographical error.

Claims 40 and 41 are amended to more clearly recite the list of permitted carriers. Support for the amendment is found in generally in the specification and more particularly at page 20, line 19 to page 21, line 7.

Claim 46 is amended. Support for the amendment is found generally in the specification, and more particularly at claim 21 as originally filed.

Claim 47 is amended. Support for the amendment is found generally in the specification, and more particularly at claim 32 as originally filed, and at page 23, line 17 to page 24, line 5.

Claim 48 is amended. Support for the revision to the structure of claim 48 is found generally in the specification, at Compound 26 of Example 13, and to render the claimed subject matter more consistent with the subject matter of claims 54 and 55.

Claims 54 and 55 are amended to avoid potential confusion with the use of the variables 'm' and 'n' in claims 32 and 47. Additional support for claim 54 is found at Compound 24 of Example 12. Additional support for claim 55 is found at Example 14 on page 70 and on page 30, lines 20 and 21.

The present communication adds new claims 56-63. These claims are directed at further aspects of the invention of Group III. Additional exemplary support for the new claims (and for the current amendments to the previously pending claims) may be found in the present application and in the priority applications, which were incorporated by reference, including PCT Patent Application Serial No. PCT/US03/10995, filed April 10, 2003.

**IV. Conclusion**

Applicants have responded fully to the restriction requirement. However, if the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact Anton Skaugset (Reg. No. 38,617), or the undersigned attorney of record, both at 503-224-6655.

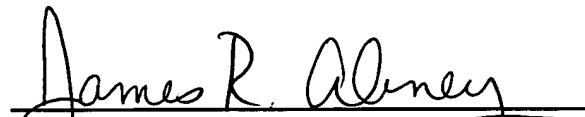
**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on September 21, 2006.

  
Christina M. Rainey

Respectfully submitted,

KOLISCH HARTWELL, P.C.

  
James R. Abney  
Registration No. 42,253  
Customer No. 23581  
Attorney for Assignee  
520 S.W. Yamhill Street, Suite 200  
Portland, Oregon 97204  
Telephone: (503) 224-6655  
Facsimile: (503) 295-6679